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Sent: Tuesday, April 9, 2024 4:04 PM
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Cc: Abha Khanna; Richard Medina; rhicks@renea-hicks.com; Jessica Yvarra; Zachary Berg; Amy Hilton
Subject: RE: LULAC v. Abbott: Conferral
Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Kathleen. LULAC Plaintiffs are amenable to this suggestion and plan to file a redline version with their motion for leave to file a 5th Amended Complaint.

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Subject: RE: LULAC v. Abbott: Conferral

Counsel,

I wanted to quickly follow-up on the email exchange from earlier. It seems to us that the plaintiff groups might intend to take different approaches with respect to updating their pleadings. Accordingly, we would like to suggest that any Plaintiffs making changes via an amended/ supplemental complaint should file a redline version with the Court that tracks these changes. We think this would help avoid future confusion by other Parties as well as the Court itself. Please let us know whether Plaintiffs are amenable to this suggestion at your earliest convenience.

Kathleen Hunker

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Subject: RE: LULAC v. Abbott: Conferral

Thanks, David. No objection to the voluntary dismissal.

RGK

From: David Fox <dfox@elias.law>

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Subject: RE: LULAC v. Abbott: Conferral

Thanks, Ryan. Do you have a position on the voluntary dismissal motion?

David R. Fox

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Subject: RE: LULAC v. Abbott: Conferral

David –

Thanks for your e-mail. Having dug a little deeper on the law, we're revising the position we communicated to Nina regarding Plaintiffs' filing of revised pleadings to address the 2023 legislative session.

We do not oppose Plaintiffs filing such revised pleadings. We are agnostic as to whether Plaintiffs label the pleadings as "amended," or "supplemental," inasmuch as we understand the substance of the pleadings will determine how the Court treats the revised pleading.

We, of course, reserve the right to address the revised pleadings according to our understanding of their substance. Happy to chat further, as necessary.

Regards,

RGK

From: David Fox <dfox@elias.law>

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Cc: Abha Khanna <akhanna@elias.law>; Richard Medina <rmedina@elias.law>; rhicks@renea-hicks.com

Subject: LULAC v. Abbott: Conferral

All,

I write to confer on two motions that the Abuabara Plaintiffs plan to file in this case:

- (1) Motion for Voluntary Dismissal of Plaintiff Maria Montes. We are seeking to dismiss Ms. Montes' claims without prejudice because she has moved out of state. Our remaining plaintiffs will continue to pursue their claims; this does not affect the overall geographic scope of our claims. See ECF No. 307 at 23-24 (holding that our plaintiff group had standing to challenge CD 29, where Ms. Montes lives, even before we added Ms. Montes).
- (2) Motion to File Supplemental Complaint pursuant to Rule 15(d). The proposed Supplemental Complaint does not alter the substance of our existing claims (which are exclusively *Gingles* effects claims) but merely addresses the subsequent enactment of HB 1000, by clarifying that we still challenge the same Texas House districts we previously challenged from HB 1, on the same grounds, now that they have been re-enacted by HB 1000.

Could each party please let us know your position on both motions by 12 pm CT tomorrow?

Thanks,

David

David R. Fox

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